

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Cr.L.P..No. 256 of 2007()

ST.781/2004 of J.M.F.C.-IV,KOZHIKODE
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PETITIONER/COMPLAINANT.

SREE GOKULAM CHIT AND FINANCE CO.(P) LTD
GOKULAM TOWERS, NO.66, ARCOT ROAD, CHENNAI,
REPRESENTED BY ITS LEGAL ASSISTANT SAVITHA K.V.,
W/O. THYAGARAJ, AGED 33 YEARS, DIVISIONAL OFFICE,
TECHNO TOP BUILDING, VAIKKOM MUHAMMED BASHEER
ROAD, KOZHIKODE.

BY ADV. SRI.K.S.BABU
SMT.N.SUDHA

RESPONDENTS: ACCUSED/STATE

1. P.V.VINODAN, S/O. UNNIAPPAN,
MANATHANKANDY HOUSE, THAMARASSERY,
KOZHIKODE DISTRICT.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P.SRI.C.M.KAMMAPPU FOR R2

THIS CRIMINAL LEAVE PETITION HAVING BEEN FINALLY HEARD
ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

Crl.M.C.No. 256 of 2007

Dated this the 2nd day of February, 2007

ORDER

The The petitioner faces indictment in a pending prosecution for the offence punishable, inter alia, under Section 304A I.P.C. The alleged incident had taken place as early as on 4.7.2000. Trial has not commenced. The petitioner was not available for some period of time. Consequently, the case was transferred to the list of long pending cases. It has now been recalled from the list of long pending cases and it bears the number C.C.No. 448 of 2006. The petitioner wants his case to be disposed of expeditiously, as he is hopeful of securing an employment abroad.

2. Reckoning the case as one of the year 2006, the learned Magistrate has adjourned the case to 8.6.2007. The petitioner has come to this Court with a prayer that direction may be issued to ensure expeditious disposal of the case against the petitioner. That is the short request made.

3. Did the petitioner move the learned Magistrate? What order did the learned Magistrate pass on such a request? Why did the

petitioner not move the learned Magistrate? These questions are not answered satisfactorily. In a situation like this, the petitioner must certainly move the learned Magistrate and pray for expeditious disposal. I do not expect every litigant come to this court with such a prayer without and before moving the learned Magistrate adding the flood of litigations in this Court. However, I reckon the request to be legitimate. His case should not have been reckoned as an other case filed in 2006. The incident had taken place in 2000. The petitioner must move the learned Magistrate. I find no reason why the learned Magistrate should not accept the request of the petitioner, taking into account the fact that the incident had taken place as early as in 2000. No specific direction need be given now. Of course, if the petitioner is not satisfied with the order of the learned Magistrate on his request, he can approach this Court again.

4. With the above observations, this Crl.M.C. is dismissed.

5. Hand over a copy of the order to the learned counsel for the petitioner, which he can produce when he files the application for early disposal before the learned Magistrate.

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(R. BASANT)
Judge

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